



Land Development News

County of San Diego
Department of Public Works
September 2009

Terry Connors, County Surveyor

Assembly Bill 333

AB-333 was chaptered on July 15, 2009. The bill provides an automatic 24 month extension upon request to any tentative map that has not expired as of July 15, 2009 and will expire before January 1, 2012. The bill was added as Section 66452.22 of the California Subdivision Map Act.

In an attempt to mitigate some of the impacts of repeated subdivision and parcel map extensions, this bill reduces the period of time during which cities and counties are prohibited from placing specified conditions on the issuance of any building permit from five to three years, and states that that prohibition does not apply to specified permit fees.

Changes to County Ordinances

County Counsel has been working closely with staff (both DPLU and DPW) to update County Ordinances, specifically Title 8 – Division 1 (Subdivision of Land). Counsel has also endeavored to streamline the ordinances by removing language that is repeated throughout the division or is just a restatement of language already contained in the Subdivision Map Act. DPLU expects to release the proposed changes to industry for a 30-day public comment period soon. A distribution list has been prepared. For additional questions or to add to the distribution list, please e-mail Terry Connors at Terry.Connors@sdcounty.ca.gov.

Record Number of Corner Records

The County Surveyor's office received and processed a record number of "corner records" for the month of August 2009. Besides processing and recording 15 records of survey, we filed over 375 corner records for the month (more than 3 times the normal monthly amount).

Lee Shick, DPW Project Manager

Sewer and Water Commitment for Discretionary Projects

The County of San Diego requires evidence of utility service availability and commitment with discretionary land development projects. The County has several forms that need to be submitted during the tentative and final review process. The attached summary briefly outlines the requirements and documents required to be submitted throughout the land development process.



Ken Brazell, DPW Project Manager

County of San Diego Grading Ordinance Update

Ordinance No. 9997 (N.S.) was approved and adopted by the San Diego County Board of Supervisors (Board) on July 22, 2009 (full text is attached), and took effect thirty (30) days after the passage; August 21, 2009. Ordinance No. 9997 essentially extends the expiration date of active grading permits, but also provides other advantages for developers. Where applicable, there are available automatic time extensions in addition to original 24-month period and permittee economical hardship statements justifying an additional 12-months.

Derek Gade, PDCI DPW LUEG Program Manager

County's Official Rainy Season Starts on October 1st

It is that time of year again where all developers with projects are required to prepare their sites for the season's rainfall. DPW's Private Development Construction Inspection (PDCI) Section continues to work with permittees to ensure Best Management Practices (BMPs) on construction sites are implemented and maintained year round. This month, PDCI staff are beginning pre-season inspections on all permitted grading and road improvement sites and discussing with the developers and their representatives their planned preparation for full deployment of BMPs by the October 1st deadline. As of this deadline, all sites are required to have fully-deployed BMPs with one exception, active areas. All active areas shall have full deployed BMPs within 10 days of cessation of soil disturbing activities or 48 hours prior to onset of precipitation, whichever comes sooner.

The following are some suggestions for developers to consider in preparation for the rainy season:

- 1) Is your Stormwater Pollution Prevention Plan (SWPPP) onsite and updated?
- 2) Are all permits current including your State Notice of Intent (NOI)?
- 3) Do you have a project map onsite that shows your active and non active areas with properly implemented BMPs?
- 4) Are you monitoring the weather forecast daily?
- 5) Per the erosion control plans, do you have 125% of BMPs needed to implement and protect the site 48 hours prior to onset of rain?
- 6) Do you have adequate manpower available at short notice to implement and maintain BMPs?
- 7) Do you have someone designated as being "on call" during rain events to handle potential problems?
- 8) Are you prepared to handle site cleanups after rain events?

PDCI has a number of resources we use with regards to BMPs that we are happy to share with you. These resources are listed below and should help you understand County requirements and provide options on how to protect permitted sites. For links to BMP information, please visit DPW's Private Development Construction Inspection website at www.sdcountry.ca.gov/dpw/land/pdci:



Land Development News

September 2009

County's Stormwater DLI-LD-I for Land Development Projects
County's Grading Ordinance
County's Watershed Protection Ordinance
California Stormwater Quality Association (CASQA)

The local office of the State's Regional Water Quality Control Board (RWQCB) provided the attached early warning to local jurisdictions to help prepare for the upcoming Rainy Season. It is a good reminder that any project site is subject to an unannounced visit by Regional Water Quality Control Board (RWQCB) or the U.S. Environmental Protection Agency (EPA).

Please remember the goal is to minimize erosion and avoid any discharges from projects by using a combination of erosion and sediment control. Also, please don't overlook the need to properly address BMPs for non-stormwater discharges like trash, oils and fuels, concrete wastes and porta potties. PDCI looks forward to another year with minimal violations. If you have questions on how to prepare or would like to request a field inspection to review BMP issues, please contact PDCI at (858) 694-3165 or via email at grading@sdcounty.ca.gov.

Cid Tesoro, Flood Control DPW LUEG Program Manager

State Water Resources Control Board adopts the General Construction Permit

On September 2, 2009, the State Water Resources Control Board (SWRCB) adopted the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (also called the General Construction Permit) in a 3-1 vote. In addition to adopting the permit, the Board also approved the Staff Change Sheet #1 and the amended Attachment A, both dated August 17, 2009 (link posted below).

The General Construction Permit applies to any construction or demolition activity including, but not limited to, clearing, grading, grubbing, excavation or any land disturbance of one acre or more. The current permit (SWRCB Order No. 99-08-DWQ) remains in effect until July 1, 2010, when the new permit becomes effective.

The key changes in the new permit are increased monitoring requirements, project phase-specific requirements, risk-based approach to approximate project's actual risk to water quality, active treatment systems, numeric action levels (NALs) for turbidity and pH for all sites, and numeric effluent limitations (NELs) for turbidity and pH for highest risk sites.

Another significant change is that coverage under this permit will require dischargers to electronically file Permit Registration Documents (PRDs), which includes a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other compliance related documents required by this General Permit and mail the appropriate permit fee to the State Water Board.

The final permit has not yet been posted on the SWRCB's website; however, two Change Sheets showing permit corrections are posted. SWRCB staff have stated that



Land Development News

September 2009

they will produce guidance very soon that will summarize the permit and that they plan to host training, outreach and workshop events over the coming months on the permit. The draft Permit, Staff Change Sheet #1, and the amended Attachment A are located at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

AN ORDINANCE AMENDING SECTIONS 87.203, 91.1.105.5
AND 91.1.105.5.1 OF THE SAN DIEGO COUNTY CODE
RELATING TO EXTENSION OF GRADING PERMITS
AND EXPIRATION OF BUILDING PERMITS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Amend Section 87.203 to read as follows:

SEC. 87.203. ISSUANCE OF GRADING PERMIT.

(a) Upon application signed by the owner of the property, the County Official shall issue a grading permit where the County Official determines that:

(1) The proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208;

(2) Any conditions imposed upon such grading or improvement plan approval, which are required to be completed or performed prior to grading permit issuance, have been satisfied;

(3) The grading permit application was filed not more than 24 months following the approval of grading plans or improvement plans, or within the duration of a renewal of that period pursuant to paragraph (c) below, and for minor grading permits issued by the Department of Planning and Land Use the plan review for the associated dwelling or accessory building pursuant to Section 87.206(a)(9) must be active;

(4) The grading permit fee specified in Chapter 3 of this Division has been paid;

(5) An Agreement conforming to Section 87.215 has been signed and submitted, for purposes of providing the County with a Right of Entry for Inspection, and Indemnification;

(6) The Agreement and Cash Deposit have been submitted, if required by Section 87.304; and

(7) For Major Grading (Section 87.208), the application is accompanied by an "Acknowledgment to Employ Consultants" form which shall list the Permit Compliance Engineer as required by Sec. 87.420, the Soils Engineer and the Engineering Geologist (if required), and a signed "Acceptance of Employment by Consultants" form for each consultant. The owner shall be responsible for notifying the County Official of any change in the consultants listed on the "Acknowledgment to Employ Consultants" form.

(b) Notwithstanding paragraph (a), where the approval of plans occurred prior to May 9, 2003, the application for a grading permit shall be evaluated based upon the criteria applicable under Sections 87.204 through 87.208; and where federal or state wildlife protection agencies identify newly discovered concerns with impacts to resources that were not known at the time of

grading plan or improvement plan approval, the County Official may defer issuance of a grading permit until those agencies' requirements have been complied with.

(c) The 24 month period referenced in paragraph (a)(3) may be renewed by the County Official one time for an additional 24 months, if he or she determines that no significant changes in the work are proposed, environmental review documentation has been appropriately updated and, in the case of major grading, none of the criteria requiring denial under Section 87.211 exist. Notwithstanding the foregoing, the 24 month period shall not be renewed in violation cases, where the application has been filed to correct work done in violation of this Division (including work done without obtaining a grading permit).

(d) Once issued, the grading permit shall authorize only the work shown on the approved grading plans, which shall be deemed to be incorporated into the grading permit, for a period of 36 months following the date of permit issuance, after which time the permit shall expire and be of no further force or effect. All work authorized by the grading permit, including the matters required by Sections 87.425 (Completion of Work -- Final Reports) and 87.426 (Notification of Completion), shall be completed within 36 months.

(e) On the effective date of this subsection, a grading permit issued on or after August 21, 2007 and before August 21, 2009 that was issued for 24 months shall automatically be extended for an additional 12 months to make the expiration date 36 months from the original issue date.

(f) When requested by a permittee, the County Official shall grant a one time extension, up to an additional 12 months for a permit in subsection (d) or subsection (e) if the County Official determines that:

(1) No significant changes in the work are proposed;

(2) For a permit issued before August 21, 2009 the permittee has provided a statement that due to economic reasons, the permittee has not been able to complete at least 30 percent of the total volume of earthwork. For a permit issued after August 21, 2009, substantial progress has been made towards completing the approved grading, in that at least 30 percent of the total volume of earthwork has been completed; and

(3) The estimates of the costs of the work for purposes of Section 87.304 have been updated to current costs at the time of extension.

(g) Upon application by the owner, the County Official shall approve a modification to a grading permit, provided that:

(1) A grading plan or improvement plan change has been approved for the modification pursuant to Section 87.204(c);

(2) The proposed grading, as modified, substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208;

(3) The grading permit application was filed not more than 24 months following the approval of grading plans or improvement plans, or within the duration of a renewal of that period pursuant to paragraph (c);

(4) The grading permit modification fee specified in Chapter 3 of this Division has been paid; and

(5) Appropriate amendments have been entered into, if required by the County Official, for the Agreement relating to a Right of Entry for Inspection and Indemnification pursuant to Section 87.215, and the Agreement and Cash Deposit if required by Section 87.304.

A modification to a grading permit shall have no effect on the period of time within which grading shall be completed.

Section 2: Amend Section 91.1.105.5. to read as follows:

SEC. 91.1.105.5. PERMIT EXPIRATION.

Every permit issued by the building official pursuant to this chapter shall expire and become null and void if (a) the building or work authorized by the permit is not commenced within two years from the date of the permit, (b) the building or work authorized by the permit is stopped at any time after the work is commenced for a 180 day period, unless the permittee is on active military duty, as described in section 91.1.108.10 or (c) the building or work authorized by the permit has not been completed within three years from the date the permit was issued. Work shall be presumed to have commenced under the permit if the permittee has obtained a required inspection approval from the building official within one year from the date the permit was issued. Work shall be presumed to have stopped if within any 180 day period after work commenced the permittee has not obtained a required inspection approval from the building official or has not shown substantial progress acceptable to the building official. When a permit expires under this section no building or work shall be done unless the permittee obtains a new permit or a renewal permit, as provided in sections 91.1.105.5.1-91.1.105.5.3.

Section 3: Amend Section 91.1.105.5.1. to read as follows:

SEC. 91.1.105.5.1. PERMITS WHERE WORK HAS NOT COMMENCED.

For a permit where work has not commenced in the first two years from the date the permit was issued, a permittee may obtained a renewal permit provided:

(a) No changes have been made or will be made in the original plans and specifications for the work.

(b) Three years have not passed from the original issue date.

(c) The same edition of the County Building Code, County Electrical Code, County Plumbing Code and County Mechanical ("County Construction Codes") are in effect as used in

the original plan check and no relevant County ordinances, policies, rules or regulations have changed since the expiration of the permit. Where a later edition of the County Construction Codes have been adopted since the original plan check, renewal application shall be considered as a new plan check submittal. Accordingly, plans accompanying the renewal application shall reflect the requirements of the current County Construction Codes and relevant County ordinances, policies, rules or regulations in effect. A full new plan check fee shall be required and paid with the renewal application.

(d) After the plans have been approved, the applicant pays a fee equal to one-half the amount required for a new permit.

(e) A person issued a renewal permit shall be required to show the building official substantial progress in the form of a valid inspection every 180 days as required by section 91.1.105.5. The first 180-day period shall be measured from the date of renewal. A renewal permit issued under this section shall expire three years from the date the original permit was issued.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 22nd of July, 2009.



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Arnold Schwarzenegger
Governor

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August 24, 2009

Distribution List (Electronic)

REGIONAL PREPARATIONS FOR THE 2009-10 RAINFALL SEASON THROUGHOUT THE SAN DIEGO REGION

Dear MS4 Copermittees:

This letter is a notification to all storm water agencies and entities regulated by the municipal, construction and industrial storm water permits. I urge all members of the regulated community to take all practicable actions to prepare for the FY 2009-10 rainfall season, which begins October 1. The municipal storm water NPDES permit requires that you implement such best management practices to the maximum extent practicable to reduce discharges of waste into our regional waters. It has been many months since our last significant rainfall event, with current predictions anticipating a strong El-Niño winter. The accumulation of pollutants and debris since the last rainfall event this spring presents both a challenge and an opportunity for our Region. The challenge lies in the accumulation of trash and other wastes in your storm drain system that will be swept downstream with the first flush of the first significant rainfall. The opportunity is that a few weeks remain to cleanup areas tributary to your storm drain system and to remove accumulated waste within your storm drain system. There is increasing focus on the protection of our inland waters, bays and estuaries as well as a growing awareness of the need to reduce waste discharges to the ocean. In addition to the need to remove waste from your storm drain system, I strongly recommend that you consider specifically the following actions to prepare for the coming rains.

Construction Sites

There are many active and inactive construction sites in our Region that need new and replacement erosion-prevention measures. Sites with disturbed soils where construction has been halted due to the slowdown in the building industry are particularly vulnerable to runoff problems. Each Copermittee needs to take action to locate and assess construction sites to ensure that the responsible parties prepare the sites prior to the first significant rainfall. At active construction sites, the same actions are equally critical in protecting receiving waters from sediment discharges.

Residential Areas

In many residential areas, significant amounts of debris have accumulated in the curbs and gutters that will be washed into the receiving waters with the first significant rainfall. An aggressive pre-rain season campaign is necessary to involve the residential owners

California Environmental Protection Agency

to cleanup their properties and the adjacent curbs and gutters to remove any trash, sediment or landscaping debris to prevent it from being washed into the storm drains and creeks. The use of street sweepers and vac-trucks are also an effective means to remove wastes from streets, curbs and catchments. It is far more efficient and beneficial to remove wastes from the pavements, curbs and catchments than from the creeks, lagoons and bays. If these wastes are discharged into these receiving waters, the impact is extremely difficult and costly to mitigate.

Industrial Areas

Fortunately, the operators of many industrial activities in the Region are participating in the State industrial storm water permit. Even so, a significant number are not. As mentioned earlier, many consecutive dry months have resulted in the need to assess the level of preparation for the initial rainfall. These sites need to be cleaned and protective measures taken to prevent potential discharges of waste. Industrial site owners need to be urged to make an extra effort to attend to this concern.

Commercial and Public Areas

Shopping centers, parks and other public areas should be inspected to ensure that measures are taken to prevent the discharges of trash, debris and sediments caused by urban runoff. Some of these areas have runoff treatment devices that require maintenance and service prior to the first significant rainfall. Property managers should be advised to ensure that parking areas and boundary areas are given particular attention to ensure that wastes have been removed to the extent practicable along fence lines, swales and ditches.

The Regional Board appreciates your past efforts to prevent the discharges of waste to our receiving waters. I intend to step up monitoring and surveillance of all municipal, industrial and construction sites in the Region. Prior to the first significant rainfall event, I will notify you of any sites found in need of cleanup or preparation actions. We hope to share information to make the best use of scant resources. As the rain season progresses, we will pursue enforcement actions for failures to take these prudent preventative measures, particularly if there are resulting discharges of trash, sediments or excessive debris. I hope you will join with the Regional Board in this campaign of preparation and information distribution for this significant rainfall season.

Sincerely,



John H. Robertus
Executive Officer

California Regional Water Quality Control Board, San Diego Region

County of San Diego
Sewer and Water Commitment for Discretionary Projects

County General Plan Service Availability:

Sewer:

Sewer availability is required under Section 12, "Wastewater," Policy 1.2 of the County General Plan Public Facility Element which reads as follows:

"Discretionary land development projects will only be approved if the service provider reasonably expects that wastewater treatment and disposal will be available concurrent with need, and that all appropriate requirements will be met through conditions placed on project approval."

Evidence of service availability is required from the sewer district under Implementation Measure 1.2.3 which reads as follows:

"Prior to approval of a discretionary project, require evidence from the sewer district that service is available, or is reasonably expected to be available, to serve that project concurrent with need. [DPLU]"

Water:

Water availability is required under Section 13, "Water Provision Systems," Policy 1.2 of the County General Plan Public Facility Element which reads as follows:

"Discretionary land development projects dependent on imported water will only be approved if the service provider reasonably expects that water facilities will be available concurrent with need, and that all appropriate requirements will be met through conditions placed on project approval."

Evidence of service availability is required from the water district under Implementation Measure 1.2.2 which reads as follows:

"Require, as a basis of approval, that all discretionary projects obtain an indication from the water district that facilities are available, or are reasonably expected to be available, to serve that project concurrent with need. [DPLU]"

County General Plan Service Commitment:

Sewer:

Sewer commitment is required under Section 12, "Wastewater," Policy 1.3 of the County General Plan Public Facility Element which reads as follows:

County of San Diego
Sewer and Water Commitment for Discretionary Projects

“All land development projects requiring the use of sewage conveyance, treatment and disposal facilities shall obtain a commitment of service from the appropriate district prior to land preparation and construction.”

Evidence of service commitment is required from the sewer district under Implementation Measure 1.3.1 and 1.3.2 which reads as follows:

“Implementation Measure 1.3.1: Require commitment of availability of sewer service from the applicable sewer district before a subdivision map can record; before approval of a Certificate of Compliance in lieu of a Tentative Map, a Tentative Parcel Map or to correct a subdivision violation; before issuance of building permit or grading permit(s) or prior to establishing use in reliance on a Major Use Permit, or prior to occupancy or use in reliance on the permit if building and/or grading permits are not required; or before a rezone that would result in an increase in density or intensity of use is approved. Such commitment must be valid for a period specified in County regulations, and may be based on existing facilities or on approved facilities under construction. [DPLU, DPW]”

“Implementation Measure 1.3.2: Prior to the issuance of a permit for building or for the grading of a site in preparation for construction, require permanent commitment to serve from the applicable sewer district; or when applicable, require approval from the Department of Health Services of a private sewage disposal system. [DPLU, DPW]”

Water:

Water commitment is required under Section 13, “Water Provisions Systems,” Policy 1.3 of the County General Plan Public Facility Element which reads as follows:

“All land development projects requiring the use of imported water shall obtain a commitment of service by the appropriate district prior to land preparation and construction.”

Evidence of service commitment is required from the water district under Implementation Measure 1.3.1 and 1.3.2 which reads as follows:

“Require commitment of availability of water facilities from the applicable water district before a subdivision map can record; before approval of a Certificate of Compliance in lieu of a Tentative Map, a Tentative Parcel Map or to correct a subdivision violation;

County of San Diego
Sewer and Water Commitment for Discretionary Projects

before issuance of building permit or grading permit(s) or prior to establishing use in reliance on a Major Use Permit, or prior to occupancy or use in reliance on the permit if building and/or grading permits are not required; or before a rezone that would result in an increase in density or intensity of use is approved. Such commitment must be valid for a period specified in County regulations, and may be based on existing facilities or on approved facilities under construction. The commitment may be limited based on the fact that the district also serves a city that does not require a similar commitment. [DPLU, DPW]"

"Implementation 1.3.2 Prior to the issuance of a permit for building or for the grading of a site in preparation for construction for any project needing hookup to water system, require permanent commitment to serve from the applicable water district. [DPLU, DPW]"

Board Policy I-84 Service Availability and Commitment:

The Board adopted Policy I-84 to establish procedures for using Project Facility Availability forms and, in certain cases, Project Facility Commitment forms, in processing of land divisions and certain other projects requiring discretionary approval by the County. Policy I-84 establishes those policies for the implementation and documentation of service availability and commitment by the applicable service providers.

<http://www.sdcountry.ca.gov/cob/docs/policy/I-84.pdf>

To assist the applicant, the Department of Planning and Land Use has developed the following forms to be submitted throughout the discretionary and entitlement processes.

- Form DPLU-399W, Water - "Project Facility Availability Form"
- Form DPLU-400W, Water - "Project Facility Commitment Form"
- Form DPLU-399S, Sewer - "Project Facility Availability Form"
- Form DPLU-400S, Sewer - "Project Facility Commitment Form"
- Form DPLU #372, "Tentative Maps for Major Subdivisions Applicant's guide"
- Form DPLU #249A, "Tentative Parcel Map Applicant's guide"

County Subdivision Ordinance:

Major Subdivision Requirements:

The Subdivider is required to provide or agree to provide certain improvement facilities to supply the project with public water and install a public system for

County of San Diego
Sewer and Water Commitment for Discretionary Projects

sewers or private sewage disposal systems under Section 81.403, "Required Improvements" of the County Subdivision Ordinance. Section 81.403(a) reads in part as follows:

(a) The subdivider shall be required to perform or agree to perform the following before approval of any final or parcel map of a major subdivision:

"(3) Extend to the land to be subdivided, public water supply facilities adequate to serve the subdivision when the project is located within a water district or the district's adopted sphere of influence and either: (i) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary; or, (ii) the subdivider has proposed the use of a public water supply to serve the subdivision."

"(4) Provide proof satisfactory to the Director of Planning and Land Use that the serving water district has certified that adequate potable public water supply is available to each lot or parcel or to the Director of the Department of Environmental Health that there exists an adequate potable well water supply available to each lot or parcel. The subdivider shall install minimum water supply pipe as determined by the Director of Public Works and recommended by the water district serving the proposed subdivision."

"(6) Install a public system for sewers or sewage disposal serving all proposed lots or parcels as a condition precedent to the approval of any parcel map or final map where it is determined that such system is required to preserve the public health due to the size and shape of the proposed lots, the terrain and soil condition of the land to be subdivided, and the existing development in the vicinity of the proposed subdivision. Such public system shall be approved by the serving district according to their standards and policies."

Minor Subdivision Requirements:

The Subdivider is required to provide or agree to provide certain improvement facilities to supply the project with public water and install a public system for sewers or private sewage disposal systems under Section 81.706, "Required Improvements" of the County Subdivision Ordinance. Section 81.706 reads in part as follows:

"As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this division it shall be required that the subdivider:"

County of San Diego
Sewer and Water Commitment for Discretionary Projects

“(b) Install or agree to install other improvements and facilities including but not limited to sewer, water,..., in accordance with the requirements set forth in Section 81.403 of this division...”

“(d) Provide proof that the serving public water district will serve each lot or parcel with potable public water or the Director of the Department of Environmental Health certifies that there exists an adequate potable well water supply available to each lot or parcel.”

“(e) Extend to the land to be subdivided, public water supply facilities adequate to serve the subdivision when the project is located within the water district or the district’s adopted sphere of influence and either; (i) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary; or, (ii) the subdivider has proposed the use of a public water supply to serve the subdivision.”

“(h) Provide proof that the serving public sewer district will serve each lot or parcel with public sewer.”

Government Code (Map Act) and CEQA:

Sewer:

Map Act:

Government Code Section 66474.6 requires the County to assess whether or not the discharge of waste from the proposed subdivision will violate the Porter-Cologne Act.

CEQA:

CEQA Guidelines, Appendix G, Section XVI. (e), requires an analysis of whether or not the wastewater treatment provider that serves the project has sufficient capacity.

Water:

Map Act:

Government Code Section 66463.7 requires a water supply assessment demonstrating the availability of water for large subdivisions (i.e., the 500 or more residential units, etc.).

County of San Diego
Sewer and Water Commitment for Discretionary Projects

CEQA:

CEQA Guidelines, Appendix G, Section XVI. (d), requires an analysis of whether or not sufficient water supplies are available to serve the project.

Summary of Map Act and CEQA:

In order to comply with the CEQA requirement that the potential environmental impacts from whole of an action be addressed, CEQA Guidelines, Appendix G, requires an assessment of water and sewer service. This helps to ensure that any environmental impacts that may result from a need to expand or enlarge existing services are addressed at the time the project is approved. There is also a requirement in the Map Act to address sewer and water service availability prior to project approval.

Modifying the General Plan, Subdivision Ordinance and Board Policies will not eliminate the need to address sewer and water service availability at the time of project approval. Continuing to obtain “will serve” letters from water and sewer service providers ensures compliance with CEQA and the Map Act.